

BECKER & POLIAKOFF LLP

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Attorneys for Marsha Peshkin and over 800

Other Customers of Bernard L. Madoff

Investment Securities LLC as Listed on

Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

SIPA LIQUIDATION

Case No. 08-01789 (BRL)

(Substantively Consolidated)

Appeal No. _____

**DECLARATION OF HELEN DAVIS CHAITMAN
IN SUPPORT OF MOTION FOR LEAVE TO APPEAL**

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I am a partner with Becker & Poliakoff LLP, counsel to Marsha Peshkin and over 800 other Customers of Bernard L. Madoff Investment Securities LLC. A non-exclusive list of my clients is set forth on **Exhibit A** attached hereto (the “Objectors”). I am a member of the bars of New York and New Jersey, and of this Court. I submit this declaration in support of the Movants’ motion for an Order pursuant to Federal Rules of Bankruptcy Procedure 8001(b) and

8003: (a) granting them leave to appeal the June 1, 2011 order (Doc # 4125) of the United States Bankruptcy Court for the Southern District of New York Approving Applications for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses (the “Order”) to the extent that the Order granted the sixth applications for interim compensation of Irving H. Picard, Trustee, and his counsel, Baker & Hostetler LLP; and (b) granting such other and further relief in the Movants’ favor as the Court deems just and proper.

2. True and correct copies of the following documents are attached hereto:

- Exhibit A:** A list of all my parties on whose behalf this motion is filed
- Exhibit B:** June 1, 2011 order of the United States Bankruptcy Court for the Southern District of New York Approving Applications for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses
- Exhibit C:** Sixth Application of Trustee and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred From October 1, 2010 Through January 31, 2011
- Exhibit D:** August 6, 2009 hearing transcript on the First Application for Interim Professional Compensation for Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred for Baker & Hostetler LLP, et al.
- Exhibit E:** June 1, 2011 hearing transcript on the Sixth Applications for Interim Professional Compensation for Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred for Baker & Hostetler LLP, et al.
- Exhibit F:** Testimony of SEC Chairwoman Mary Shapiro at the March 10, 2011 Congressional hearing on the David Becker Conflict of Interest
- Exhibit G:** Carlyn Kolker and Christopher Scinta, Bloomberg, “Madoff Trustee Picard May Take Five Years to Pay Back Investors” dated January 21, 2009

- Exhibit H:** June 3, 2011 press release and letter from Congressman Garrett to Mr. Gene L. Dodaro, Comptroller General of the United States Government Accountability Office
- Exhibit I:** December 17, 2010 statement of Congressman Garrett.
- Exhibit J:** Objection to Sixth Application of Trustee and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Actual and Necessary Expenses Incurred From October 1, 2010 Through January 31, 2011
- Exhibit K:** Objection to First Applications of Irving H. Picard, Trustee, and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses Incurred from December 15, 2008 through April 30, 2009
- Exhibit L:** Objection to Second Applications of Irving H. Picard, Trustee, and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses Incurred from May 1, 2009 through September 30, 2009
- Exhibit M:** Objection to Third Application of Irving H. Picard, Trustee, and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses Incurred from October 1, 2009 through January 31, 2010
- Exhibit N:** Objection to Fourth Applications of Irving H. Picard, Trustee, and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses Incurred from February 1, 2010 through May 31, 2010
- Exhibit O:** Objection to Fifth Applications of Irving H. Picard, Trustee, and Baker & Hostetler LLP for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses Incurred from June 1, 2010 through September 30, 2010
- Exhibit P:** Motion for an Order Approving Initial Allocation of Property to the Fund of Customer Property and Authorizing an Interim Distribution to Customers
- Exhibit Q:** Press Release of Irving H. Picard, "\$7.2 BILLION RECOVERY AGREEMENT WITH ESTATE OF JEFFRY PICOWER AND PICOWER-RELATED INVESTORS," dated December 17, 2010

Exhibit R: Transcript of SEC Commissioner Mary Schapiro's testimony
before the House Subcommittee on Capital Markets, Insurance and
Government-Sponsored Enterprises on July 14, 2009

Exhibit S: Becker & Poliakoff Initial Brief for Appellants in *In re Bernard L.
Madoff Investment Securities LLC*, 10-2378 (2d Cir.)

I declare under penalty of perjury that the foregoing is true and correct.

June 15, 2011

/s/ Helen Davis Chaitman